

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ERIC POER,

Plaintiff,

v.

FTI CONSULTING, INC., et al.,

Defendants.

Case No. [24-cv-04725-JSC](#)

**ORDER RE: DISCOVERY DISPUTE
JOINT LETTERS**

Re: Dkt. Nos. 103, 104

Pending before the Court are two discovery dispute joint letters, along with amendments following further meet and confer efforts. (Dkt. Nos. 103, 104, 127.)

I. Docket No. 103

- A. **RFP No. 41**. FTI shall provide the actual dates of travel for the 14 trips Plaintiff alleges he needs additional information.
- B. **Failure to Amend Responses**. FTI shall amend its responses to produce documents responsive to the relevant requests beginning with January 1, 2019 to the present. FTI's alleged inadvertence does not excuse disavowing an agreement stated in writing. The claimed additional 150 attorney hours is not supported by any evidence.
- C. **RFP No. 12**. DENIED as not relevant to a claim or defense in this action and not proportional to the case's needs.

II. Docket No. 104

- A. **RFP Nos. 18, 47**. DENIED as FTI has provided a list of clients and FTI represents engaging attorneys are not clients.
- B. **RFP Nos. 29, 31, 36, 43, 46**. DENIED as Plaintiff has not persuasively explained how the documents sought are relevant to a claim or defense in this action and, in any event,

1 the requests are not proportional to the case's needs. For example, Plaintiff seeks
2 FTI's documents "concerning the DOJ's recent January 2025 guidance that non-
3 competes violate antitrust law." (Dkt. No. 104 at 3.) The only argument Plaintiff
4 makes is that FTI's "understanding of this guidance and view on the enforceability of
5 restrictive covenants is discoverable here." (*Id.*) Plaintiff merely saying something is
6 discoverable does not make it discoverable.

7 C. **RFP Nos. 49, 50**: DENIED. Plaintiff does not address FTI's assertion that it has
8 produced all non-privileged documents. But any documents withheld on privilege
9 grounds must be logged.

10 This Order disposes of Docket Nos. 103, 104, 127.

11 **IT IS SO ORDERED.**

12 Dated: May 21, 2025

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15 JACQUELINE SCOTT CORLEY
16 United States District Judge
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